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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)


(Rationalised Report according to the Notice of the President of the EPO published in the OJ11/2001)

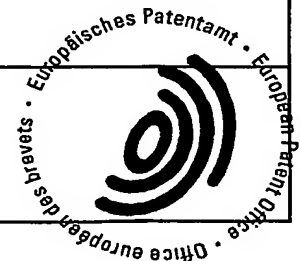
| | | |
|--|---|---|
| Applicant's or agent's file reference SV02A56-ALS | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/EP03/50724 | International filing date (day/month/year) 16/10/2003 | Priority date (day/month/year) 14/11/2002 |
| International Patent Classification (IPC) or national classification and IPC G06F17/50 | | |
| Applicant ALSTOM FERROVIARIA S.P.A. et al. | | |

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 2 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of _____ sheets.

- This report contains indications relating to the following items:
 - ☒ Basis of the report
 - ☐ Priority
 - ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Lack of unity of invention
 - ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Certain documents cited
 - ☐ Certain defects in the international application
 - ☐ Certain observations on the international application

| | |
|---|--|
| Date of submission of the demand 24/04/2004 | Date of completion of this report 30/09/2004 |
| Name and mailing address of the IPEA/  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0, Tx: 523656 epmu d Fax: (+49-89) 2399-4465 | Authorized officer COLVIN G G Tel. (+49-89) 2399 2828 |



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No.

PCT/EP03/50724

I. Basis of the report

The basis of this international preliminary examination is the application as originally filed.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

In light of the documents cited in the international search report, it is considered that the invention as defined in the claims meets the criteria mentioned in Article 33 (1) PCT, i.e. it appears to be novel, to involve an inventive step and to be industrially applicable.

STUDIO KARAGHIOSOFF E FRIZZI S.A.S

Consulenze brevetti, marchi, modelli

Sede operativa: VIA PECORILE 25 17015 CELLE LIGURE (SV)- ITALIA
Sede legale: VIA MACAGGI 21/16A 16121 GENOVA - ITALIA P. I.V.A. /V.A.T. 03798120105
e-mail studiokaraghiosofffrizzi@tin.it www.karaghiosoff.com

Celle Ligure il 06/07/2004

Dr. Fis. Giorgio A. Karaghiosoff mandatario abilitato BM
Dr. Ing. Andrea Grimaldo mandatario abilitato M

EPO - Munich
83

09. Juli 2004

To EUROPEAN PATENT
OFFICE
Erhardtstrasse 27
D-80298 MÜNCHEN
GERMANIA

Anticipated by fax

k.a. of Mr Chavonand F H

Oggetto:

| | | | | | |
|--|---|---------------|------------|--|-------------|
| DEPOSITO BREVETTO PER INVENZIONE INDUSTRIALE PCT WO 2004/044788 | | TITO LARE: | | ALSTOM FERROVIARIA S.p.A. VIA DI CORTICELLA 75 40128 BOLOGNA ITALIA P.IVA IT 02791070044 | |
| | | P.I./C.F | | Vs. Rif. | Simbol ++ |
| N. DOMANDA | PCT/EP03/507 24 | Data DEP. | 16.10.2003 | Ns. Rif. | SV02A56-ALS |
| TITOLO: | DEVICE AND METHOD FOR CHECKING RAILWAY LOGICAL SOFTWARE ENGINES FOR COMMANDING PLANTS, PARTICULARLY STATION PLANTS PRIORITA' SV02A56 DEL 14.11.2002 | | | | |

Dear sirs

In relation to the above mentioned PCT application and to your communication dated 29.06.2004 here attached, and further to our phone call of this morning, please consider that we have **never received your invitation to correct defects**, form PCT/IPEA/440. Only today we were in the condition to know the defects and to correct them.

Further to our phone call of this morning, please find here attached a new copy of the Demand form duly signed by the Patent Attorney, for the above mentioned PCT application.

Referring to you communication dated 29.06.2004, please **do not refund** the examination fee, but keep it for the examination.

Herewith we request that the decision given in your communication dated 29.06.2004 will be cancelled and the demand for examination will be restored.

| | |
|---|---|
| Coor. Banc. BANCA DI GENOVA E SAN GIORGIO SPA CELLE LIGURE CAB 49360/ABI 5526/MT100/SW BCABIT22/57 BANCA GEESG ACCOUNT 10878 I BAN=IT1900 552 649 360 000 000 010878 codice cin o (Otranto) | |
| ☎ 0039-019 99 30 22 | Fax 0039 019 99 99 956 e-mail studiokaraghiosofffrizzi@tin.it |

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09. Juli 2004

Celle Ligure il 06/07/2004

Dr. Fis. Giorgio A. Karaghiosoff mandatario abilitato BM

Dr. Ing. Andrea Grimaldo mandatario abilitato M

Further to the fact that we did not receive the invitation to correct defects, form PCT/IPEA/440, other reason are valid to oblige E.P.O. to accept the demand for examination.

The PCT Articles and Regulation valid for the present application are not the articles and regulation amended on 01.01.2004.

The new art. 22(1) PCT ~~does not~~ apply for this case. *and not new article Rule 54 bis.*

Before this new art. 22(1) having effect on 01.02.2003 and before the new regulation having effect from 01.01.2004, no time limit did exist for requesting International

Preliminary Examination if applicant was not interested in extending the 20(21) months time limits term to 30(31) months for the States having filed a notification of incompatibility to Art. 22(1) PCT as valid from 01.02.2003.

For this reason the demand has to be accepted by E.P.O. as I.P.E.A. .

Sincerely

Giorgio A. Karaghiosoff

Coor. Banc. BANCA DI GENOVA E SAN GIORGIO SPA CELLE LIGURE CAB 49360/ABI 5526/MT100/SW
BCABIT22/57 BANCA GEESG ACCOUNT 10878 I BAN=IT1900 552 649 360 000 000 010878
codice cin o (Otranto)



0039-019 99 30 22

Fax

0039 019 99 99 956

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The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ EP

PCT

DEMAND

EPO - Munich
83

09. Juli 2004

CHAPTER II

under Article 31 of the Patent Cooperation Treaty:
The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty and hereby elects all eligible States (except where otherwise indicated).

For International Preliminary Examining Authority use only

| | | | |
|--|--|---|--|
| Identification of IPEA | | Date of receipt of DEMAND | |
| Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION | | Applicant's or agent's file reference SV02A56-ALS | |
| International application No. PCT/EP2003/050724 | International filing date (day/month/year) 16.10.2003 | (Earliest) Priority date (day/month/year) 14.11.2002 | |
| Title of invention DEVICE AND METHOD FOR CHECKING RAILWAY LOGICAL SOFTWARE ENGINES FOR COMMANDING PLANTS, PARTICULARLY STATION PLANTS | | | |
| Box No. II APPLICANT(S) | | | |
| Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) ALSTOM FERROVIARIA S.p.a. v. Moreno 23 I-12038 SAVIGLIANO (CN) ITALY | | Telephone No. | |
| | | Facsimile No. | |
| | | Teleprinter No. | |
| | | Applicant's registration No. with the Office | |
| State (that is, country) of nationality: IT | | State (that is, country) of residence: IT | |
| Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) TRAMONTANA FRANCESCO v. GUERRIERI I-61034 FOSSOMBRONE (PS) ITALY | | | |
| State (that is, country) of nationality: IT | | State (that is, country) of residence: IT | |
| Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) | | | |
| State (that is, country) of nationality: | | State (that is, country) of residence: | |
| <input type="checkbox"/> Further applicants are indicated on a continuation sheet. | | | |

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The following person is ☒ agent ☐ common representative
 and ☒ has been appointed earlier and represents the applicant(s) also for international preliminary examination.
☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.
☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: (Family name followed by given name; for a legal entity, full official designation.
 The address must include postal code and name of country.)

GIORGIO A. KARAGHIOSOFF
 C/O STUDIO KARAGHIOSOFF E FRIZZI SAS
 VIA PECORILE 25
 17015 CELLE LIGURE (SV)
 ITALY

Telephone No.

0039 019 993022

Facsimile No.

0039 019 99 99 956

Teleprinter No.

Agent's registration No. with the Office

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION**Statement concerning amendments:***

1. The applicant wishes the international preliminary examination to start on the basis of:

☒ the international application as originally filed

the description ☒ as originally filed
☐ as amended under Article 34

the claims ☒ as originally filed
☐ as amended under Article 19 (together with any accompanying statement)
☐ as amended under Article 34

the drawings ☒ as originally filed
☐ as amended under Article 34

2. ☐ The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.
3. ☐ The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). (This check-box may be marked only where the time limit under Article 19 has not yet expired.)

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: en.....

- ☒ which is the language in which the international application was filed.
☐ which is the language of a translation furnished for the purposes of international search.
☐ which is the language of publication of the international application.
☐ which is the language of the translation (to be) furnished for the purposes of international preliminary examination.

Box No. V ELECTION OF STATES

The applicant hereby elects all eligible States (that is, all States which have been designated and which are bound by Chapter II of the PCT)

excluding the following States which the applicant wishes not to elect:

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- | | | |
|--|---|----------|
| 1. translation of international application | : | sheets |
| 2. amendments under Article 34 | : | sheets |
| 3. copy (or, where required, translation) of amendments under Article 19 | : | sheets |
| 4. copy (or, where required, translation) of statement under Article 19 | : | sheets |
| 5. letter | : | 1 sheets |
| 6. other (specify) | : | 1 sheets |

For International Preliminary Examining Authority use only

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| received | not received |
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| <input type="checkbox"/> | <input type="checkbox"/> |
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| <input type="checkbox"/> | <input type="checkbox"/> |

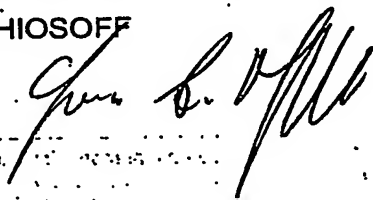
The demand is also accompanied by the item(s) marked below:

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> fee calculation sheet | 5. <input type="checkbox"/> statement explaining lack of signature |
| 2. <input type="checkbox"/> original separate power of attorney | 6. <input type="checkbox"/> sequence listings in computer readable form |
| 3. <input type="checkbox"/> original general power of attorney | 7. <input type="checkbox"/> tables in computer readable form related to sequence listings |
| 4. <input type="checkbox"/> copy of general power of attorney; reference number, if any: | 8. <input type="checkbox"/> other (specify): |

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

GIORGIO A. KARAGHIOSOFF



For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

3. ☐ The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply.

☐ The applicant has been informed accordingly.

4. ☐ The date of receipt of the demand is WITHIN the period of 19 months from the priority date, as extended by virtue of Rule 80.5.

5. ☐ Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.

For International Bureau use only

Demand received from IPEA on: